

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20442 of 2023

Arising Out of PS. Case No.-801 Year-2021 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Md. Hasnain Son Of Md. Ashfaque Resident Of Village - Karhaiya Darzipatti,
P.S. - Rajnagar, Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zeba Parween Wife Of Md. Hasnain, D/O Md. Jahangir Residing At
Mohalla - Sher Mohammad (BHIGO), P.S. - Laheriasarai, Distt. -
Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Iqbal Asif Niazi, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Pd., APP
For the Complainant	:	Mr. Amrendra Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the complainant as well as Mr.
Braj Kishore Pd., learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 801 of 2021, dated
30.10.2021 for the offences punishable under Section 498(A) of
the Indian Penal Code and Section 3/4 of the D.P. Act.

3. According to prosecution case, all the accused
persons including the petitioner assaulted the complainant and
ousted her from her matrimonial home after snatching her



belongings due to non-fulfillment of demand of motorcycle and one smart phone.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not demanded any dowry from the family members of the complainant. He further submits that although the complainant has made accused 8 persons but the learned Magistrate has taken cognizance against 5 persons including this petitioner under Section 498(A) of the Indian Penal Code and $\frac{3}{4}$ of the D.P. Act. He further submits that in fact the complainant herself deserted the house of the petitioner on 03.04.2021 and despite of best efforts the complainant has not returned back to the house of the petitioner and thereafter on 30.10.2021 the complainant has filed the present complaint petition.

5. Vide order dated 21.06.2023, the matter was referred to the Mediation Center for settlement of dispute between the parties. Report of the learned Mediator dated 03.08.2023 reveals that the mediation proceeding could not succeed between the parties.



6. Learned counsel for the petitioner submits that from the first day the mediation has failed due to non-cooperative attitude of the complainant.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the complaint petition is correct and the complainant has supported her complaint in her statement recorded under Section 200 of the Cr.P.C. which was recorded before the learned Magistrate.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Darbhanga in connection with Complaint Case No. 801 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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